

NATALIE K. WIGHT, OSB #035576
United States Attorney
District of Oregon
WILLIAM M. McLAREN, #143836
William.McLaren@usdoj.gov
Assistant United States Attorney
405 East 8th Avenue, Suite 2400
Eugene, Oregon 97401
Telephone: (541) 465-6671
Attorneys for United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

UNITED STATES OF AMERICA

6:23-cr-00182-MC

v.

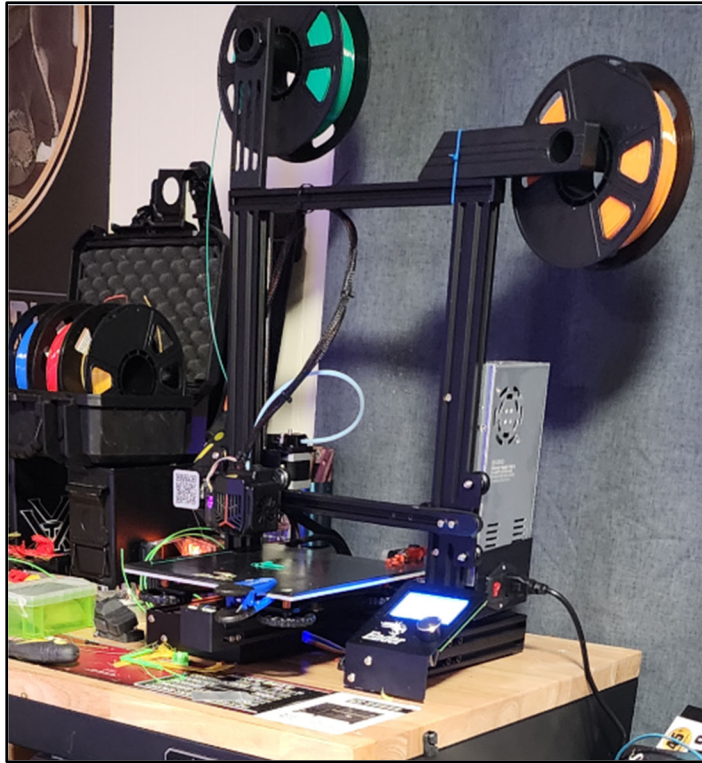
**GOVERNMENT’S DETENTION
MEMORANDUM**

JOSHUA ALLEN LAMPE,

Defendant.

Defendant Joshua A. Lampe, in his own words and despite his felony conviction, “build[s] guns for people for a living.” Some guns he built were machine guns. Others have silencers attached. During two separate searches of his residence following his social media posts showing off his weaponry, law enforcement discovered Mr. Lampe’s manufacturing operation—best summarized by the photographs below, including a 3-D printer actively making a machinegun conversation device, called a “switch.” Law enforcement also discovered quantities of methamphetamine, fentanyl, and heroin. Just four months prior, Mr. Lampe drove a person to the hospital with a gunshot wound that investigators came to learn was likely inflicted by Mr. Lampe.

Joshua Lampe is a danger to the community and he should be detained.



Clockwise from top-left: (1) a 3D printer with a switch in print, (2) molds and magazines; (3) a pistol with a bright green switch attached; (4) thousands of dollars in loose cash.

I. INTRODUCTION

By way of background, there are three events of interest: (1) the August 2022 gunshot and search; (2) the December 2022 search; and (3) the post-search investigation by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

A. August 2022 Search

State law enforcement first searched Mr. Lampe's residence in August 2022 following his trip to the hospital with Adult Witness 1 (AW1), who had suffered a gunshot wound. In searching his premises, investigators found countless prohibited items. They reported, "it is difficult to capture the overwhelming amount of firearms, knives, ammunition, firearm accessories, parts for firearms, scopes, laser sights, packaging materials, tactical gear, and other types of armaments, found within the residence." Investigators seized those items and began an investigation.

B. December 2022 Search

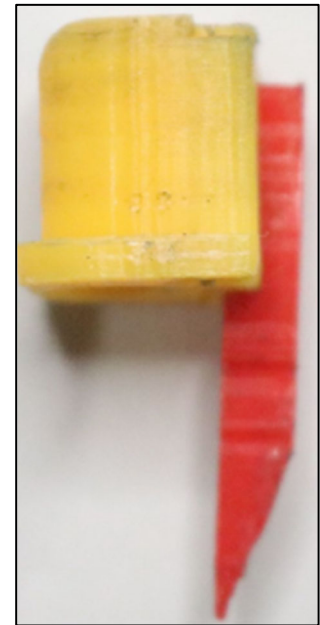
Several months later, in late 2022, Mr. Lampe posted an image to Facebook showing himself holding a pistol, calling it his newest toy. When one user asked about it, Mr. Lampe responded, "Oh one of a thousand." When another user stated, "I love this one," he responded, "I got 30 more similar builds."

Investigators sought and obtained a search warrant for Mr. Lampe's home to—once again—search for evidence of his possession of firearms. Just four months after the August 2022 search, Mr. Lampe had amassed pistols (including one fitted with a switch), hand tools, a rifle, firearm parts, silencers, home-built pistols without serial numbers, as well as methamphetamine, heroin, and fentanyl pills. He also had a great deal of packaging material and \$30,000 in loose cash. Perhaps more troubling than that laundry list of illicit items, he had a 3-D printer, depicted above, fitted with spools of printing plastic, actively manufacturing a switch.

When Mr. Lampe was interviewed, he acknowledged the automatic nature of his weapons but denied selling them, declared he had them for home protection, and explained away the packaging material as simply related to his significant other's online store.

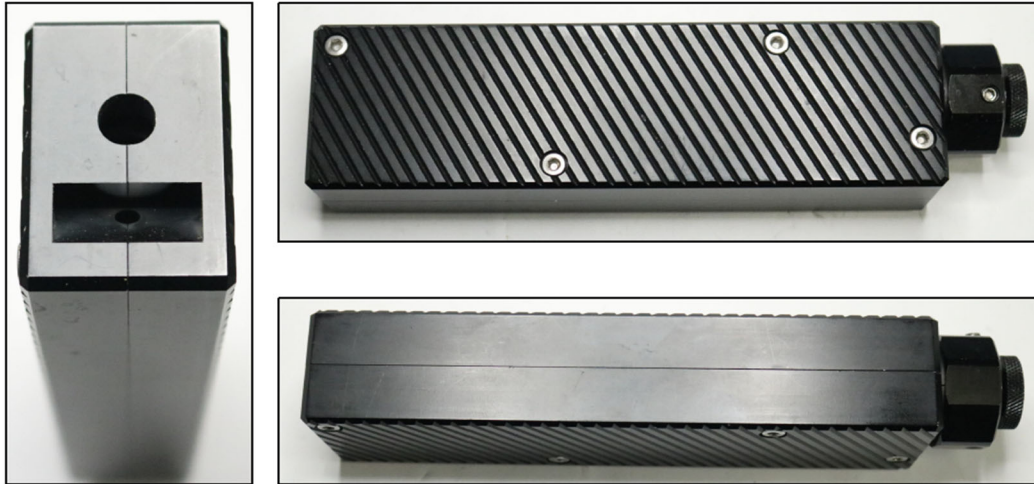
C. Post-Search Investigation by ATF

The ATF submitted one of the pistols fitted with a switch, one of the loose switches, and a silencer to its Firearms and Technology Division for analysis and testing, which determined the items were, in fact, operative as machineguns and a silencer, respectively.¹ The items are depicted below (fully automatic pistol at top-left, switch at top-right, silencer on next page):



¹ A “machinegun” is “. . . any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” The term also includes “any part designed and intended solely and exclusively . . . for use in converting a weapon into a machinegun.” 26 U.S.C. § 5845(b).

Additionally, the National Firearms Act defines “firearm” to include “any silencer.” “Silencer” is defined as “. . . any device for silencing, muffling, or diminishing the report of a portable firearm.” 26 U.S.C. § 5845(a); 18 U.S.C. § 921(a)(25).



Additionally, ATF obtained a search warrant to review Mr. Lampe's Facebook activity to determine the extent of his online communications related to firearms. The warrant revealed more than mere communications. Mr. Lampe admitted to (1) building guns for people for a living; (2) selling homemade weapons; (3) knowing the fully-automatic nature of his pistols and rifles; (4) having suppressors and knowing what they do; and (5) trading and selling pistols and rifles. In private conversations, Mr. Lampe regularly photographed and shared various weapons he was building and selling:





II. APPLICABLE LAW

A. Eligibility for Detention

This case is eligible for a detention hearing and order pursuant to 18 U.S.C. § 3142(f)(1)(E) because the Indictment charges a felony that involves the possession of firearms as that term is defined in 18 U.S.C. § 921.

B. Rules of Evidence Do Not Apply at a Detention Hearing

The Federal Rules do not apply in detention proceedings. Fed. R. Evid. 1101(d)(3); 18 U.S.C. § 3142(f). Accordingly, both the government and the defense may present evidence by proffer or hearsay. *United States v. Winsor*, 785 F.2d 755, 756 (9th Cir. 1986); see also *United States v. Bibbs*, 488 F. Supp. 2d 925, 925, 26 (N.D. Cal. 2007).

C. Standard and Burden

Under the governing bail statute, 18 U.S.C. § 3142, the government bears the burden of proving by a preponderance of the evidence that a defendant is a flight risk; and a community danger requires clear and convincing proof. *United States v. Santos-Flores*, 794 F.3d 1088, 1090 (9th Cir. 2015). Four factors help guide release decisions: (1) the nature and circumstances of the offense; (2) the weight of the evidence; (3) the nature and seriousness of the danger posed to the community; and (4) defendant’s history and characteristics. 18 U.S.C. § 3142(g).

III. DISCUSSION

A. Nature and Circumstances of Offense and Weight of Evidence

“Short of bombs, missiles, and biochemical agents, we can conceive of few weapons that are more dangerous than machineguns.” *United States v. Henry*, 668 F.3d 637, 640 (9th Cir. 2012). Mr. Lampe not only possessed these items, but he also made and—by his own statements—sold them. It is unclear from the investigation how many firearms Mr. Lampe sold, but it’s clear he made functioning machineguns and discussed their prices, explained that he made his living off of them, and knew the automatic or silencing characteristics of his wares.

The weight of the evidence, though the least persuasive element, is insurmountable. The search of Mr. Lampe’s residence in December 2022 revealed not only machineguns, switches, and a suppressor, but also a switch in active production. An analysis from the ATF Firearms Technology Division confirmed Mr. Lampe’s switches and the firearms to which they were attached were, in fact, “machineguns” as that term is defined in 26 U.S.C. § 5845(b). A suspected suppressor was determined to be, in fact, a silencer as defined by 18 U.S.C § 921(a)(25).

Following the December 2022 search warrant, investigators asked Mr. Lampe why he possessed the items listed above. He assured them that he did not sell firearms and claimed he possessed the weapons for protection only. The ATF’s investigation revealed that was a lie.

In private online conversations discovered following a court-authorized search of one of Mr. Lampe’s social media accounts, he discussed and showed off his “inventory.” Numerous conversations with friends and other social media users revealed that Mr. Lampe priced his weapons, for instance, “[a]bout 1400 . . . for something like that . . .”—referring to a photograph of a pistol. He also admitted to another user that he “build[s] guns for people for a living.” One person asked him, in a private conversation, “are your guns for games, or real?” Mr. Lampe responded, “Lol real guns honey.” In other conversations, Mr. Lampe stated, “Shit Hon my rifles are not cheap” and then sent the photograph below. He followed-up, “300 blkout full auto”²:



² The term “300 blkout” is likely a reference to .300 AAC Blackout cartridges—munitions designed for close-quarters use that are ideal in short-barrel rifles with suppressors. See Kat Ainsworth-Stevens, *300 Blackout vs. 5.56 NATO: Top AR-15 Cartridge Comparison*, Gun University (May 19, 2023), <https://gununiversity.com/300-blackout-vs-5-56-nato/> (last accessed June 27, 2023).

B. Nature and Seriousness of Danger Posed to the Community

The danger Mr. Lampe poses to the community is evident from his criminal activity, past and present, taken with his willingness to manufacture and sell particularly dangerous weaponry.

Mr. Lampe's choice to manufacture machinegun conversion devices weighs heavily in favor of detention. A recent report by ATF found that, "[f]rom 2017 through 2021, the agency recovered 5,454 [machinegun conversion] devices, a 570 percent increase over the previous five-year period."³ These "switches" have been used in dozens of shootings by extremists, mass shooters, and drug traffickers—they have ushered in a new era of machinegun accessibility, at the cost of public safety.⁴ Mr. Lampe chose to sidestep federal law, not just for a hobby but for a profit. That choice contributes to this troubling trend in Oregon communities and in whatever unknown places Mr. Lampe has peddled his 3D-printed wares.

Beyond making switches, and despite prohibitions on his possessing firearms due to his state felony conviction, Mr. Lampe amassed firearms, parts, and munition. His willingness to flout conditions, purvey violent weaponry, and his unpredictability all underscore the risk he poses to the community.

C. Defendant's History and Characteristics

Mr. Lampe has experienced addiction issues and has been involved in narcotics for at least the past decade. In 2014, he was convicted of delivery/manufacturing a controlled substance in violation of ORS 475.752. He was fined and placed on two-years' probation at that time. Since then, he has been charged with several controlled substance offenses and various other charges, to include theft, carrying concealed weapons, second degree assault, criminal trespass, offensive

³ Chip Brownlee, *ATF Director Urges Action on Auto Sears 'Flooding Our Community'*, The Trace (Mar. 1, 2023), www.thetrace.org/2023/03/atf-auto-sears-dettelbach-machine-gun/ (last accessed June 27, 2023).

⁴ *Id.*

littering, interference with a peace officer, fraud, escape, criminal mischief, and a hit and run. Prior to the instant investigation, his most recent charges concern identity theft on August 4, 2022. He was convicted on March 8, 2023, and is currently on state probation as a result.

While on probation, Mr. Lampe has missed appointments, had methamphetamine seized during a home visit, and has not pursued programs to assist with his addiction issues. Beyond that, in August of last year, he was involved in, and appears to be responsible for, a purportedly accidental domestic violence shooting.

Mr. Lampe's extensive criminal history, taken with his unlawful collection and creation of dangerous weapons while on supervision and otherwise, all indicate a continued risk to the community and weigh in favor of detention.

IV. CONCLUSION

Joshua Allen Lampe presents a danger to the community and he should be detained pending trial in this matter.

Dated: June 28, 2023

Respectfully submitted,

NATALIE K. WIGHT
United States Attorney

/s/ William M. McLaren
WILLIAM M. McLAREN
Assistant United States Attorney